

Attorney Docket No. VRBA.P007.B

REMARKS

The Examiner is thanked for the Office Action of October 5, 2005. In that Office Action, the Examiner rejected claims 12-14, 17, 19-20, and 22-23 as anticipated under 102(b) by Henson (5,134,393). Claims 12, 19 and 23 have been amended to better reflect an aspect of the invention. Claims 13-18 were not amended as we assert that they are not anticipated or redere obvious by Henson. Claims 12-23 remain pending in the application, Claim 19 has also been amended to clarify the antecedent basis.

§112, ¶2 Rejection

Claim 19 has been amended to correct any lack of clarity or antecedent basis.

102(b) Rejection

Because there remains a misunderstanding of the Applicant's claimed invention, we assert that the 102(b) rejection is not appropriate in view of the amended claims. Claims 12, 19, and 23 have been amended to reflect that the non-negative acceleration is less than that of a vehicle traveling in front of the acceleration-limited vehicle.

We believe that Examiner has misinterpreted the meaning of "non-negative acceleration" as evidenced by Page 7, ¶2 of the Office Action.

"It is [sic] not make sense to one of ordinary skill in the art, that under the situation if there is a "slow movement toward the driver," in this condition, if the vehicle system to be implement [sic] without the need for a fail safe mechanism which does not ever, under any circumstance, to slow [sic] the vehicle down, how can the vehicle to [sic] slow down to avoid the movement towards the driver to avoid the collision...(emphasis added by Examiner).

The Examiner's position is not entirely clear from this passage, but the Applicant assumes that she is asking why the Applicant would claim an acceleration limitation system that would fail to prevent a collision with a vehicle in front of the one with the limited non-negative acceleration.

As shown by FIG. 17 in combination with FIGS. 3B and C, vehicles that are in the control zone that have reached a "low threshold velocity" in the control zone are subject to positive accelerations that are always less than those in vehicle in front of

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them. Thus, there are no "fail safe" complexities required for this traffic dissipation system, as a vehicle will never slow down because of the system. The system will not prevent the forward vehicle from "slamming on its brakes" and the rear vehicle from crashing into it. The purpose of the claimed invention is not to prevent such collisions, but to dissipate traffic gridlock.

The Examiner explains that the Henson reference teaches that "faster movement would indicate to the driver that his vehicle is further away in speed or spacing from the speed/place where the traffic control computer wants his vehicle. (Col. 5, lines 4-7)" (Page 7, ¶12). Nevertheless, this application of the Henson reference is not a non-negative acceleration governor, because as Henson teaches the vehicle is further away (e.g. going faster or beyond) from its appointed place in the traffic flow. Therefore, Henson is teaching that the vehicle must slow down, or negatively accelerate, in order to get back its proper location.

However, claims 12, 19 and 23 have now been amended to reflect the Applicant's invention. The Examiner's rejection of claims 12-14, 17; 19-20 and 22-23 as anticipated by Henson (5,134,393) is no longer appropriate under 35 USC §102(b) as Henson does not in any way teach an exclusive "relative" **non-negative** acceleration governor. As explained above, Henson, in fact, teaches away from the concept of the non-negative acceleration as "relative to another vehicle" in the passages cited by the Examiner.

An illustration that Henson does not teach the non-negative acceleration governor as claimed in claims 12, 19-23 is clearly shown in the 5,134,393 specification, *inter alia*, at col. 8, lines 6-10 ("which increase or decrease the speed by setting..."), col. 8, lines 45-51 ("indicating to the driver that he should **slow down**"), col. 9, lines 34-51 ("which circulate within the target to provide speed up or **slow down** signals to the drivers...").

The Applicant respectfully asserts that unamended claim 13 is also not anticipated by Henson under 102(b) and therefore cannot be "combined" with the above-referenced cited art for purposes of rejecting the claims as obvious. The

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Applicant has examined the passages of Henson cited in the Office Action cols. 8-9, lines 61-51, and cannot find a single reference or suggestion for non-negative acceleration that "cannot limit the positive acceleration of said vehicle unless the speed of a vehicle reaches a low threshold" (emphasis added). Please refer to FIG. 17 of the present Application and the above-discussed arguments.


103(a) rejection(s)

Because Henson does not anticipate the presently claimed invention as amended and teaches away from the claims, claims 15-16, 18 and 21 are not obvious in view of the cited references.

CONCLUSION

The Examiner is thanked for the thorough Office Action of October 5, 2005, however the Applicant submits that the rejection is improper in view of amended claims 12, 19-23 and the argument for unamended claims 13-18 and that the pending claims are in condition for allowance over the cited art, and a Notice of Allowance is earnestly solicited. If the Examiner believes that a telephonic or in-person conference would help resolve any remaining issues and expedite the prosecution of the Application, he is invited to contact the Applicant's representatives at the contacts listed below.

Respectfully submitted,
Vrbia, Inc.


450,213
David Bogart Dort
Registration No. 50,213

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Alexandria, VA